(2) Contain the information required in paragraphs (b)(1) through (b)(9).

(f) KCCO will accept form CFSA–751 submitted through the following methods:

(1) Mail service, including express mail,

(2) Facsimile machine, and

(3) Other electronic transmissions, provided such transmissions are approved in advance by KCCO. The importer remains responsible for ensuring that electronically transmitted forms are received in accordance with this section.

(g) Distribution of form CFSA–751 will be as follows:

(1) If form CFSA–751 is submitted to KCCO in accordance with paragraph (f)(1) of this section, the original shall be forwarded to Kansas City Commodity Office, Warehouse License and Contract Division, P.O. Box 419205, Kansas City, MO 64141–6205, by the importer, end user, exporter, or subsequent buyer,

(2) If form CFSA–751 is submitted to KCCO in accordance with paragraphs (f)(2) or (f)(3) of this section, the original form CFSA–751 that is signed and dated by the importer, end user, exporter, or subsequent buyer in accordance with paragraph (b)(8)(v) or (b)(9)(iv) of this section shall be maintained by the importer, end user, exporter, or subsequent buyer,

(3) One copy shall be retained by the importer, end user, exporter, or subsequent buyer.

* * * * *

9. Section 782.17 is amended by:

A. Redesignating paragraph (b) as paragraph (c), and

B. Adding a new paragraph (b) to read as follows:

§ 782.17 Wheat purchased for resale.

* * * * *

(b) The importer or subsequent buyer shall immediately notify each subsequent buyer, grain handler, exporter, or end user that the wheat being purchased or handled originated in Canada and may only be commingled with U.S.—produced wheat by the end user or when loaded onto a conveyance for direct delivery to the end use or a foreign country.

* * * * *

Signed at Washington, DC, on November 3, 1995.

Grant Buntrock,

Administrator, Consolidated Farm Service Agency.

[FR Doc. 95–27817 Filed 11–13–95; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF JUSTICE

8 CFR Parts 292 and 292a

[EOIR: 109N; AG Order No. 1196–95]

RIN 1125–ZA00

Executive Office for Immigration Review; Representation and Appearance

AGENCY: Department of Justice.

ACTION: Request for public comment.

SUMMARY: This request for comment seeks input regarding possible changes in the qualifications required of an organization before it may be recognized by the Executive Office for Immigration Review (EOIR) to represent persons before the Immigration and Naturalization Service (Service), the Board of Immigration Appeals (Board), and the Immigration Court. Specifically, comments are requested regarding whether the requirement that recognized organizations may charge only ''nominal fees'' should be changed.

DATES: Comments must be submitted on or before December 14, 1995.

ADDRESSES: Comments may be submitted to General Counsel, Executive Office for Immigration Review, Suite 2400, 5107 Leesburg Pike, Falls Church, VA 22041.

FOR FURTHER INFORMATION CONTACT: Margaret M. Philbin, General Counsel, Executive Office for Immigration Review, Suite 2400, 5107 Leesburg Pike, Falls Church, Virginia 22041, telephone: (703) 305–0470.

SUPPLEMENTARY INFORMATION:

Background

Under the present version of 8 CFR 292.2, non-profit religious, charitable, social service, or similar organization may designate representatives to practice before the Service, the Immigration Court, and the Board if the organization has applied for and received recognition from the Board. To gain such recognition, an organization must establish to the satisfaction of the Board that—

(1) It charges only nominal fees for its services and assesses no excessive membership dues, and

(2) It has adequate knowledge, information, and experience to represent its clients in immigration matters.

The requirement that a recognized organization may charge only nominal fees has been a requirement for recognition by the Board since 1975. The requirement has existed to ensure that recognized organizations are in fact charitable, are serving low-income or indigent clients, and are not representing their clients for profit.

The term ''nominal fees'' has not been specifically defined, but rather interpretation has been left to a case-by-case analysis. However, the Board has stated that the ''imposition of nominal fees was not intended as a means through which an organization could fund itself.'' *Matter of American Paralegal Academy, Inc.,* 19 I&N Dec. 386 (BIA 1986). The Board has also stated that the fact that an organization's fees are ''substantially less than those charged by law firms is not a proper standard for consideration since such organizations are not law firms.'' *Id.* Beyond this, little concrete guidance regarding the meaning of nominal fees has been provided in the 20 years since the term first appeared in the regulation. Traditionally, however, the term has been narrowly construed to permit recognized organizations to charge only minimal amounts for their services.

The nominal fees restriction has been criticized by some as constituting a barrier to affordable, quality legal services to poor aliens. It has been asserted that some organizations, well-qualified to represent aliens, do not even attempt to gain recognition from the Board because of the nominal fee restriction, and that many other recognized organizations are unable to meet the demand for their services due to the financial constraints imposed by the nominal fees restriction.

On the other hand, other groups have suggested that an increase in nominal fees charged by recognized organizations may place them in competition with members of the bar for clients who can afford legal services. This arguably exceeds the scope of the ''recognized organization'' program, which was intended to address the needs for pro bono representation. It also creates certain issues with respect to oversight by the Board of the performance and fee charging policies of recognized organizations.

The issues raised by the nominal fees regulation have recently become the focus of additional attention. Many recognized organizations have stated that they are losing funding as charitable contributions dwindle and sentiment against providing legal aid to aliens grows. A number of organizations have informed EOIR that they have closed completely or have scaled back their immigration programs. At the same time, some organizations assert, the need for services to low-income aliens has been steadily growing. The perceived hardship imposed by the nominal fee restriction on both

recognized organizations and their clients has been the impetus for a renewed effort to change or eliminate the restriction.

Request for Comments

The concerns outlined above have led EOIR to formally request comments on possible changes to the nominal fee and accreditation provisions of 8 CFR 292.2. The outlined concerns are not considered to be comprehensive, and those responding are invited to address these and any additional areas of concern they may have regarding the nominal fee issue. For example, EOIR also seeks comments on the following:

1. Should the nominal fee restriction be retained, but more broadly interpreted, so as to permit higher fees to be charged?

2. If the nominal fee restriction is changed, or is eliminated from the regulation, what should replace it?

3. Should recognized organizations be able to fund themselves, in whole or in part, through imposition of fees? If so, what would be an appropriate level of such funding?

4. What safeguards should exist to ensure that recognized organizations are in fact operating in the best interests of their clientele and not for profit?

A concern that is frequently raised in discussing change or elimination of the nominal fee requirement is that the requirement guards against the proliferation of unregulated immigration consultants or ''notarios,'' who are operating for profit, and who frequently provide poor advice or otherwise take advantage of their clients. The concern is that if larger fees may be charged by recognized organizations, more unscrupulous organizations may apply for and gain recognition by the Board. Those arguing in favor of changing the regulation, on the other hand, contend that such questionable organizations are more likely to exist where there are inadequate quality legal services available. They argue that these organizations take advantage of the fact that many aliens cannot afford lawyers, that legal services are not available, and that aliens therefore turn to unqualified and sometimes dishonest organizations for advice and help.

Parties on each side of this argument, however, agree that if the nominal fee regulation is changed or eliminated, some safeguards should be put in place to carefully regulate the recognition of organizations before the Board. Comments are requested regarding how best to do this. The following are ideas on which comments are invited:

(a) Should an organization be required to show that it has both non-profit and tax-exempt status, within the meaning of the Internal Revenue Code?

(b) Should an organization be required to show that it serves only low-income clients? Should the term low-income be defined, and if so, how?

(c) Should an organization be required to provide, as part of the application for recognition, proof of where they receive their funding? Once recognized, should they also be required to provide annual reports which include the sources of their revenue, their fee schedules, their income guidelines, and proof that they serve only, or primarily, low-income clients?

(d) Should an organization be required to vary its fees depending on ability to pay?

(e) Should there be formal procedures requiring recognized organizations to show continuing compliance with any applicable regulation? Should recognized organizations be required to be re-recognized periodically, as is the case with accredited representatives?

(f) In requests for reaccreditation of accredited representatives of recognized organizations, should there be a requirement that Immigration Judges before whom the representative practices be consulted? Should the local bar be notified of reaccreditation applications, with opportunity to comment?

(g) Should there be formal procedures for filing complaints against recognized organizations or accredited representatives? Should the regulation provide that any attorney or advocate may report suspected abuse?

5. Should the regulation regarding lists of free legal services, at 8 CFR part 292a, be amended to allow including organizations and/or individuals who provide low cost legal services? Should private attorneys be permitted to have their names on this list, provided their fees are within the range accepted:

As mentioned above, EOIR welcomes all comments regarding any of the concerns identified in this notice as well as any other comments regarding possible changes in the qualifications required of an organization for recognition by EOIR to represent persons before the Service, the Board, and the Immigration Court.

Dated: November 6, 1995.

Janet Reno,

Attorney General.

[FR Doc. 95–28011 Filed 11–13–95; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–CE–47–AD]

Airworthiness Directives; de Havilland Model DHC–3 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to supersede Airworthiness Directive (AD) 90–12–08, which currently requires the following on de Havilland Model DHC–3 airplanes: repetitively inspecting (using dye penetrant methods) the tailplane main rib forward flanges and the main rib forward lower flanges at the tailplane front attachment fitting for cracks and repairing any cracked flange. The proposed action would retain the repetitive inspections currently required by AD 90–12–08, and would allow the provision of incorporating a certain modification as terminating action for these repetitive inspections. The proposed action is prompted by the Federal Aviation Administration's determination that installing new angles and plates on the tailplane root ribs on de Havilland Model DHC–3 airplanes provides an equivalent level of safety to the repetitive inspections required by AD 90–12–08. The actions specified by the proposed AD are intended to prevent failure of the tailplane structure caused by cracked tailplane main rib forward flanges or main rib forward lower flanges at the tailplane front attachment fitting, which, if not detected and corrected, could result in loss of control of the airplane.

DATES: Comments must be received on or before January 12, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–47–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Bombardier Inc., (the parent company of de Havilland) Bombardier Regional Aircraft Division, Garrett Boulevard, Downsview, Ontario, Canada M3K 1Y5; telephone (416) 633–7310. This information also may be examined at the Rules Docket at the address above.